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August 19, 2024

VIA ECF & EMAIL (Failla_NYSDChambers@nysd.uscourts.gov)

Honorable Katherine Polk Failla
 United States District Court
 Southern District of New York
 Thurgood Marshall Courthouse
 40 Foley Square
 New York, NY 10007

MEMO ENDORSED

Re: B.G., et al. v. City of New York, et al.
Case: 1:23-cv-03761 (KPF)
Our File No. 267805-F100

Dear Judge Failla:

In accordance with Your Honor's June 17, 2024 order, counsel for all parties submit this letter update on the status of settlement discussions, whether to extend the partial stay of discovery, and a revised scheduling order.

Since the June 17, 2024 order, the parties have continued to engage in *ex parte* settlement discussions with Magistrate Judge Robyn F. Tarnofsky concerning injunctive relief measures relating to an emergency notification system at P.S. 347. Within the last week, Judge Tarnofsky facilitated the exchange of Plaintiffs' specific proposals for emergency notification measures at P.S. 347. Defendants received the proposal and are evaluating its feasibility in light of the ongoing construction, which began in August of 2023, and have provided Plaintiffs with an update on Defendants' ongoing assessment of potential emergency notifications measures.

Further, the parties' *ex parte* settlement discussions have turned towards addressing proposed monetary damages and attorneys' fees. Those discussions are just underway and would benefit from additional time to fully address the monetary issues.

With the settlement discussions concerning injunctive relief measures progressing, and as the parties are now engaged in a discussion of potential monetary damages and attorneys' fees, it would be extremely beneficial for the parties to have additional time to potentially resolve this case with the continued assistance of Judge Tarnofsky.

During the continued *ex parte* settlement discussions, the parties respectfully request that the partial stay of discovery be extended. This is the parties' third request for an extension of the partial stay of discovery.

Should a partial stay remain in place, the parties also respectfully request that a revised scheduling order be submitted at a later time. Depending on whether the parties can finalize the settlement discussions, the parties can provide a future update to Your Honor on the issue of a revised scheduling order.

In light of the above, we respectfully request an extension until September 30, 2024 to provide a status update and respond as to whether a revised scheduling order is needed.

Thank you for your consideration and attention in this matter.

Respectfully,

ROBERT T. REILLY

By: /s/ Junou M. Odige
JUNOU M. ODIGE
KEITH J. GROSS
Of Counsel

JO/ts

c: Hon. Robyn F. Tarnofsky
(via email TarnofskyNYSChambers@nysd.uscourts.gov)

Counsel for Plaintiffs & Defendants (via ECF)

Application GRANTED. The parties shall file a letter update concerning, as appropriate, the status of settlement discussions, the necessity of extending the partial stay of discovery, and / or a revised scheduling order on or before **September 30, 2024**.

The Clerk of Court is directed to terminate the pending motion at docket entry 52.

Dated: August 20, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE